



HF 547 – Jail Prisoners, Interference with Official Acts (LSB1175HV)

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Fiscal Note Version – New

Requested by Representative Chip Baltimore

Description

House File 547 expands the definition of the crime of interference with official acts to include instances where jail personnel are involved.

Background

Correctional and Fiscal Information

- Current law provides for a graduated system of penalties for interference with official acts, ranging from a serious misdemeanor to a Class C felony depending on the circumstances of the crime. Certain felony convictions are forcible felonies that require the convicted offender to be sentenced to State prison rather than Community-Based Corrections (CBC) supervision.
- Current law applies to offenders under the supervision of CBC and the State prison system, or about 39,800 offenders on any given day. It is most likely the types of acts covered under current law apply to offenders housed in the State prison system or CBC residential facilities; that population is approximately 9,747 offenders (8,159 State prisoners and 1,588 offenders in CBC residential facilities on March 10, 2015).
- There are 98 counties that maintain jails. Three of those facilities are temporary holding facilities; they can detain an inmate for a maximum of 24 hours. The 98 county facilities have 7,033 beds, with approximately 832 temporary holding beds and 6,201 standard county jail beds.
- According to the Justice Data Warehouse ([JDW](#)), in FY 2014 there were 24 offenders convicted of the current law being amended in the Bill (Iowa Code section [719.1\(2\)](#)). The offenders were convicted as follows: 17 serious misdemeanors, four aggravated misdemeanors, two Class D felonies, and one Class C felony.
- The average cost per case to the [Judicial Branch](#) is \$213 for a serious or aggravated misdemeanor, \$436 for a felony, and \$929 for a forcible felony. These estimates include the average time spent on all cases of the given type regardless of how cases are disposed. Most cases are disposed by plea bargaining; only a small percentage are disposed by bench or jury trials. See the *Fiscal Topic, Jury Trials* published by the Legislative Services Agency (LSA) in August 2013 for background information and statistics.
- The cost per case to the [Indigent Defense Fund](#) is \$600 for a serious misdemeanor, \$1,200 for an aggravated misdemeanor or Class D felony, and \$1,800 for a Class C felony.
- According to the JDW, the Criminal and Juvenile Justice Planning Division ([CJJPD](#)) of the Department of Human Rights ([DHR](#)), and the Department of Corrections ([DOC](#)), the following are estimates for sentencing, length of stay under supervision, and costs for the crime of interference with official acts. This is a crime against a person; therefore, length of stay under correctional supervision is longer than other crimes within the same offense class.

Criminal Justice System Information

Conviction Offense Class	Percent Sentenced to State Prison	Avg Length of Stay in Prison	Marginal Cost Per Day	Avg Length of Stay on Parole	Percent Sentenced to Probation	Avg Length of Stay on Probation	Avg Daily Cost of Probation/Parole	Percent Sentenced to County Jail	Avg Length of Stay in Jail	Marginal Cost per Day
Serious Misdemeanor	2.1%	6.9 months	\$ 18.92	7.5 months	28.6%	12.0 months	\$ 4.26	57.3%	37 days	\$ 15.00
Aggravated Misdemeanor	14.4%	8.3 months	\$ 18.92	6.0 months	45.4%	18.8 months	\$ 4.26	41.6%	40 days	\$ 15.00
Class D Felony	100.0%	17 months	\$ 18.92	13.7 months	0.0%	0	\$ 4.26	0.0%	0	\$ 15.00
Class C Felony	100.0%	45 months	\$ 18.92	22.9 months	0.0%	0	\$ 4.26	0.0%	0	\$ 15.00

- Approximately 12.0% of the offenders convicted of a serious misdemeanor received a penalty other than correctional supervision, such as community service or a financial penalty, or both.
- The sentencing distribution for offenders convicted of an aggravated misdemeanor is 101.4% because certain offenders are sentenced to county jail and then probation supervision.

Minority Data Information

The table below shows the FY 2014 offender-based convictions for interference with official acts per the Iowa Code according to the CJJPD.

FY 2014 Offender-Based Convictions Interference With Official Acts

Iowa Code Section	White	Black	American Indian	Other/Unknown	Total
719.1(2)A	9	4	1	3	17
719.1(2)B	2	0	0	2	4
719.1(2)C	1	0	0	1	2
719.1(2)E	1	0	0	0	1
Total	13	4	1	6	24
% by Race	54.2%	16.7%	4.1%	25.0%	100.0%

Blacks and American Indians are disproportionately convicted compared to their percentage of the Iowa population. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 30, 2015, for information related to minorities in the criminal justice system.

Assumptions

Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice system policies and practices will not change over the projection period for the crime of interference with official acts.
- The law will become effective July 1, 2015. A lag effect of six months is assumed from the effective date of the Bill to the date of first entry of affected offenders into the correctional system for the crime of interference with official acts.
- The Bill will result in new charges and convictions in the criminal justice system. People held in county jails or municipal holding facilities that knowingly resist, obstruct, or interfere with a jailer are not currently eligible to be charged with the crime of interference with official acts. Under [HF 547](#), they may be charged for this offense.
- Approximately 50.0% of the defendants will be indigent.

- Marginal costs for county jails cannot be determined due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15 per day.
- Convictions by offense class under this Bill will be similar to current law.

Minority Data Information: The impact on minorities will be consistent with current law.

Summary of Impacts

Correctional Impact

There will be an estimated 20 defendants annually charged with interference with official acts under this Bill. Of these, 12 will be convicted. It is expected the offenders will be convicted as follows: eight serious misdemeanors, two aggravated misdemeanors, one Class D felony, and one Class C felony. The table below shows on an annual basis the sentences expected to be imposed by offense class under this Bill. One offender convicted of a serious misdemeanor will receive a sentence to community service or a financial penalty, or both.

Annual Sentences by Offense Class Conviction

Offense Class	State Prison	Probation	County Jail	Total
Ser. Misd.	0	2	5	7
Agg. Misd.	0	1	1	2
Class D Felon	1	0	0	1
Class C Felon	1	0	0	1
Total	2	3	6	11

The correctional impact on the State prison system, CBC probation, and county jails is expected to be minimal.

Minority Impact

It is expected this Bill will have a disproportionate impact on minorities because approximately 20.8% of offenders convicted under the provisions of [HF 547](#) may be Black or American Indian.

Fiscal Impact

The fiscal impact for [HF 547](#) is estimated to be an increased cost to the State General Fund of \$11,000 in FY 2016 and \$34,100 in FY 2017. County jail costs are estimated to increase by \$1,100 in FY 2016 and \$3,400 in FY 2017.

The table below shows the fiscal impact by areas within the criminal justice system. Costs will continue to increase slowly for the State prison system because the length of stay exceeds one year for every new admission.

Estimated Fiscal Impact by Funding Source

	FY 2016			FY 2017		
	County Budgets	State General Fund	Total	County Budgets	State General Fund	Total
Judicial Branch	\$ 0	\$ 2,600	\$ 2,600	\$ 0	\$ 6,400	\$ 6,400
Indigent Defense	0	4,200	4,200	0	9,000	9,000
Jail	1,100	0	1,100	3,400	0	3,400
State Prison	0	3,400	3,400	0	14,000	14,000
CBC	0	800	800	0	4,700	4,700
Total	\$ 1,100	\$ 11,000	\$ 12,100	\$ 3,400	\$ 34,100	\$ 37,500

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Office of the State Public Defender
Office of the State Court Administrator

/s/ Holly M. Lyons

March 16, 2015

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
